ADMINISTRATIVE-INTERNAL USE ONLY

16 February 1973

MEMORANDUM FOR THE RECORD

SUBJECT: U.S. Code--Title 18 Revisions (Unauthorized Disclosure)

25X1A

1. [redacted] met with G. Robert Blakey, Chief Counsel, Subcommittee on Criminal Laws and Procedures, Senate Judiciary Committee, to discuss the Agency's interests in the revision of Title 18, U.S. Code.

2. The meeting was very beneficial from our standpoint, with Blakey assuring us that if we kept him informed and provided him with suitable text, our suggestions would be duly considered during the legislative processing of the McClellan bill (S. 1). Blakey explained that S. 1 was a device to obtain a consensus among the two ideologists of the three sponsors (McClellan, Ervin and Hruska) and that in general Hruska was interested in tightening up the laws and Ervin was interested in liberalizing them. The bill when finally pushed, though, will be McClellan's.

3. Significant developments included:

25X1A

(a) Blakey agreed with [redacted] that the extraterritorial provisions of S. 1 should be extended to cover all national security offenses not limited to espionage and sabotage;

(b) Blakey said any efforts to extend the injunction procedure to national security crimes, as proposed in Justice's draft, "would never see the light of day;"

(c) Explaining the use of the term "national defense information" in lieu of "national security information" and the absence of the word "classified" in S. 1, Blakey said that national defense (read that "military capability") was the area of the hard core agreement in the Congress and that the word "classified" was a trigger word which, for instance, would send Ervin into orbit. Blakey also said that any attempt to protect the "classification system" as opposed to the substance was doomed to failure;

ADMINISTRATIVE-INTERNAL USE ONLY

Approved For Release 2002/01/23 : CIA-RDP75B00380R000200130018-1

(d) Blakey agreed with the concept of broadening the Scarbeck statute if the "unauthorized recipient" (here he was thinking primarily of the Media and Congressmen) is given immunity;

25X1A

(e) Blakey generally agreed with [redacted] that intelligence sources and methods should be specifically protected in the national defense section of S. 1, but suggested avoiding the use of "trigger words" (see c. above). Blakey suggested a less conspicuous way of broadening the "Scarbeck statute" by riding on a provision in S. 1 which makes it a crime for a public employee to reveal information that he has a duty to protect. The existing provision concerns information the Government receives on a confidential basis, e. g., income tax returns. Blakey thought we could extend the provision to intelligence sources and methods which an employee had signed an agreement to protect. Blakey based this suggestion on what he understood to be an authority in existing law for the Director to protect intelligence sources and methods. When told that the law in question imposed a responsibility but granted no authority, Blakey observed that S. 1 would contain a title devoted exclusively to conforming amendments and that surely in this highly technical section we could insert a little-noticed conforming amendment to give the Director "authority."

4. Blakey appears to be a can-do guy, close to Subcommittee Chairman McClellan and well versed in the substance and political realities of

25X1A

the legislation. He was receptive to the comments of [redacted] and obviously is in a key position to be helpful.

5. Followup Action. Provide Blakey with text of our recommended changes. Blakey wants at least two versions of each for tactical purposes.

6. Recommendation. For the time being, and until matters have jelled, it is recommended that we not report on our activities with Blakey to other members of the community or to our friends on the Hill.

25X1A

[redacted]

Distribution:
Orig - File
1 - OGC
1 - D/Sec

25X1A

OLC/[redacted]smg (20 Feb 73)